



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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March 13, 2020

(b) (6), (b) (7)(C)

Re: Republic Services
Case 15-CA-257946

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on March 11, 2020 has been docketed as case number 15-CA-257946. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If this Board agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to

take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "M. Kathleen McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/cs



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March 13, 2020

Kenneth Pilet, HR Manager
Republic Services
808 L and A Road
Metairie, LA 70001

Re: Republic Services
Case 15-CA-257946

Dear Mr. Pilet:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If this Board agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'n' in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/cs

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REPUBLIC SERVICES

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-257946

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 13, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Kenneth Pilet, HR Manager
Republic Services
808 L and A Road
Metairie, LA 70001

March 13, 2020

Date

Cristina Sanchez, Designated Agent of
NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

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Telephone: (504)589-6362
Fax: (504)589-4069

March 23, 2020

(b) (6), (b) (7)(C)

Steven D. Wheelless, Esq.
Steptoe & Johnson, LLP
1330 Connecticut Avenue, NW
Washington, DC 20036-1704

Re: Republic Services
Case 15-CA-257946

Dear (b) (6), (b) (7)(C) and Mr. Wheelless:

The Region has investigated the charge filed against Republic Services alleging it violated the National Labor Relations Act. As explained below, I have determined that further proceedings on the Charge should be deferred in accordance with the Board's policy under *Dubo Manufacturing Company*, 142 NLRB 431 (1963).

Charge Allegation: On or about (b) (6), (b) (7)(C) 2020, the Employer discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in retaliation for (b) (6), (b) (7)(C) union activities or membership.

Deferral Policy: The Board's *Dubo* deferral policy provides that this Agency withhold making a final determination on certain unfair labor practice charges when a grievance has been filed by the Charging Party under the grievance/arbitration provisions of a relevant collective bargaining agreement, and there is a reasonable chance that use of the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge. This policy is based in part on encouraging stability in labor relations by deferring to the parties' chosen means of dispute resolution, as well as avoiding duplicative litigation in multiple forums. Therefore, if the grievance continues to be processed through the grievance/arbitration machinery, the Regional Office will defer the charge.

Decision to Defer: Based on the Region's investigation of this matter, I am deferring further proceedings on the charge. I am making this determination based on my belief that there is sufficient commonality between the facts and issues underlying the allegations of the charge and the facts and issues underlying the allegations of the grievance that there is a reasonable chance that the parties' resolution of the grievance through the grievance/arbitration machinery will resolve or set at rest the dispute underlying the charge.

No Right of Appeal: Because the *Dubo* policy is based on the Charging Party's having filed and voluntarily processed a grievance under the parties' contractual dispute resolution process, there is no right to appeal the Region's deferral decision to the Office of the General Counsel.

Further Processing of the Charge: As explained below, while the charge is deferred, the Region will monitor the processing of the grievance and, under certain circumstances, may resume processing the charge.

Charging Party's Conduct During Dubo Deferral: Because *Dubo* deferral is dependent on the Charging Party's processing of a grievance through the grievance/arbitration procedure, the Region will revoke deferral and resume processing of the charge if the grievance is withdrawn by the Charging Party or a third party in control of the grievance/arbitration process, without an intervening settlement or other resolution of the issues on which deferral was based. However, in the event that a Charging Party elects to withdraw a grievance in lieu of *Dubo* deferral, and the Charged Party objects on the ground that deferral would be appropriate under the Board's separate, nonvoluntary deferral policy promulgated pursuant to *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984), the Region will determine whether deferral under *Collyer* is appropriate and, if so, issue a separate notification to the parties addressing their obligations and rights under that deferral policy.

Charged Party's Conduct During Dubo Deferral: If the Charged Party prevents or impedes hearing and resolution of the grievance, raises a timeliness defense, or otherwise refuses to address the merits of the grievance in the grievance/arbitration process, I will revoke deferral and resume processing of the charge.

Inquiries and Requests for Further Processing: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and whether continued deferral is appropriate. However, I will accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge, for continued deferral of the charge or for issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the award is sent to the parties.

Review of Arbitrator's Award: If the grievance is arbitrated, the Charging Party may request that this office review the arbitrator's award. The request must be in writing and addressed to me. The request should discuss whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is clearly repugnant to the Act. Further guidance on the nature of this review is provided in *Spielberg Mfg. Co.*, 112 NLRB 1080 (1955), and *Olin Corp.*, 268 NLRB 573 (1984).

Very truly yours,

M. Kathleen McKinney

M. Kathleen McKinney
Regional Director

Enclosure

cc:

(b) (6), (b) (7)(C)

Teamsters, Local No. 270
701 Elysian Fields Avenue
New Orleans, LA 70117-8511

Kenneth Pilet, HR Manager
Republic Services
808 L and A Road
Metairie, LA 70001

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
NOTICE TO ARBITRATOR

TO: _____
(Arbitrator)

(Address)

NLRB Case Number
15-CA-257946

NLRB Case Name: Republic Services

A determination has been made by the Regional Director of Region 15 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 15, 600 South Maestri Place – 7th Floor, New Orleans, LA 70130-3413 at the same time that it is sent to the parties in the arbitration.

(Name)

(Title)



United States Government

NATIONAL LABOR RELATIONS BOARD

Region 15

600 South Maestri Place 7th Floor

New Orleans, LA 70130

Telephone: (504) 321-9576

Fax No. (504) 589-4069

July 9, 2020

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Re: Republic Services
Case No. 15-CA-257946

Dear (b) (6), (b) (7)(C):

Based upon our recent contact with the parties, the deferral in this matter has been extended an additional 90 days.

Very truly yours,

/S/

ALEXANDRA K. ROATH-SCHULE
Field Attorney

AKRS/hpj

cc: swheelless@steptoe.com
Steven D. Wheelless, Attorney at Law
Steptoe & Johnson, LLP
1330 Connecticut Ave NW
Washington, DC 20036-1703

Kenneth Pilet, HR Manager
Republic Services
808 L and A Road
Metairie, LA 70001

(b) (6), (b) (7)(C)

Teamsters, Local 270
701 Elysian Fields Ave
New Orleans, LA 70117-8511



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March 20, 2020

Rayven Calloway, Head of School
4617 Mirabeau Ave.
New Orleans, LA 70126

Re: Better Choice Foundation, DBA Mary D.
Coghill Charter School
Case 15-CA-258213

Dear Ms. Calloway:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If this Board agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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March 20, 2020

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Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'n' in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**BETTER CHOICE FOUNDATION, DBA MARY
D. COGHILL CHARTER SCHOOL**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-258213

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 20, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Rayven Calloway, Head of School
4617 Mirabeau Ave.
New Orleans, LA 70126

March 20, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/S/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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March 20, 2020

(b) (6), (b) (7)(C)

Re: Better Choice Foundation, DBA Mary D.
Coghill Charter School
Case 15-CA-258213

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on March 19, 2020 has been docketed as case number 15-CA-258213. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If this Board agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

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Very truly yours,

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M. KATHLEEN McKINNEY
Regional Director

MKM/hpj



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NATIONAL LABOR RELATIONS BOARD

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Download
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May 27, 2020

Via Email

Camille R. Bryant, Esquire
McGlinchey Stafford, PLLC
601 Poydras St, 12th Floor
New Orleans, LA 70130

Magdalen Blessey Bickford, Esquire
McGlinchey Stafford, PLLC
601 Poydras St, 12th Floor
New Orleans, LA 70130

Re: Better Choice Foundation, DBA Mary D.
Coghill Charter School
Case 15-CA-258213

Ladies:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If the agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

May 27, 2020

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of first amended charge

cc: Rayven Calloway, Head of School
Better Choice Foundation,
DBA Mary D. Coghill Charter School
4617 Mirabeau Ave.
New Orleans, LA 70126

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**BETTER CHOICE FOUNDATION, DBA MARY
D. COGHILL CHARTER SCHOOL**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-258213

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 27, 2020, I served the above-entitled document(s) by electronic mail upon the following persons, addressed to them at the following addresses:

Rayven Calloway, Head of School
Better Choice Foundation, DBA Mary D.
Coghill Charter School
4617 Mirabeau Ave.
New Orleans, LA 70126

Camille R. Bryant, Esquire
McGlinchey Stafford, PLLC
601 Poydras St, 12th Floor
New Orleans, LA 70130

Magdalen Blessey Bickford, Esquire
McGlinchey Stafford, PLLC
601 Poydras St, 12th Floor
New Orleans, LA 70130

May 27, 2020

Date

PAMLA ROBERTSON, Designated Agent
of NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



Download
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May 27, 2020

Via Email

(b) (6), (b) (7)(C)

Re: Better Choice Foundation, DBA Mary D.
Coghill Charter School
Case 15-CA-258213

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If the agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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May 27, 2020

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of first amended charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
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July 2, 2020

Via Email

Magdalen Blessey Bickford, Esquire
Camille R. Bryant, Esquire
McGlinchey Stafford, PLLC
601 Poydras St, 12th Floor
New Orleans, LA 70130

Re: Better Choice Foundation, DBA Mary D.
Coghill Charter School
Case 15-CA-258213

Dear Ms. Blessey Bickford and Ms. Calloway:

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If the agent is not available, you may contact Supervisory Compliance Officer KEVIN MCCLUE whose telephone number is (504)321-9576.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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July 2, 2020

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of second amended charge

cc: Rayven Calloway, Head of School
Better Choice Foundation, DBA Mary D.
Coghill Charter School
4617 Mirabeau Ave.
New Orleans, LA 70126

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**BETTER CHOICE FOUNDATION, DBA MARY
D. COGHILL CHARTER SCHOOL**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-258213

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 2, 2020, I served the above-entitled document(s) by electronic mail upon the following persons, addressed to them at the following addresses:

Magdalen Blessey Bickford, Esquire
Camille R. Bryant, Esquire
McGlinchey Stafford, PLLC
601 Poydras St, 12th Floor
New Orleans, LA 70130

Rayven Calloway, Head of School
Better Choice Foundation, DBA Mary D.
Coghill Charter School
4617 Mirabeau Ave.
New Orleans, LA 70126-____

July 2, 2020

Date

PAMLA ROBERTSON, Designated Agent
of NLRB

Name

/s/
Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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July 2, 2020

Via Email

(b) (6), (b) (7)(C)

Re: Better Choice Foundation, DBA Mary D.
Coghill Charter School
Case 15-CA-258213

Dear (b) (6), (b) (7)(C):

We have docketed the second amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If the agent is not available, you may contact Supervisory Compliance Officer KEVIN MCCLUE whose telephone number is (504)321-9576.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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July 2, 2020

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of second amended charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069

July 28, 2020

cbryant@mcglinchey.com

Camille R. Bryant, Esquire
McGlinchey Stafford, PLLC
601 Poydras Street, 12th Floor
New Orleans, LA 70130

mbickford@mcglinchey.com

Magdalen Blessey Bickford, Esquire
McGlinchey Stafford, PLLC
601 Poydras Street, 12th Floor
New Orleans, LA 70130

Re: Better Choice Foundation, DBA
Mary D. Coghill Charter School
Case 15-CA-258213

Dear Ms. Bryant and Ms. Blessey Bickford:

This is to advise that I have approved the withdrawal of the following allegations:

- 1) On about (b) (6), (b) (7)(C) 2020, the Employer discriminated against (b) (6), (b) (7)(C) by putting documentation in (b) (6), (b) (7)(C) personnel file regarding a performance improvement plan in order to discourage union activities or membership and/or protected concerted activities.
- 2) On or about February 13, 2020, the Employer, through (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), instituted the following overbroad work rules:
 - a) Prohibiting employees from sending subjective emails to other employees;
 - b) Prohibiting employees from sending blanketed messages to the entire staff on topics that are subjective; and
 - c) Prohibiting employees from sending blanket emails to other employees without approval from the Employer.
- 3) On or about February 13, 2020, the Employer, through (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), threatened employees with unspecified reprisals if they:
 - a) send subjective emails to other employees;

- b) engage in sending blanketed messages to the entire staff on topics that are subjective; and
 - c) engage in sending blanket emails to other employees without approval from the Employer in order to discourage union and protected concerted activities.
- 4) On or about February 13, 2020, the Employer, through (b) (6), (b) (7)(C), failed to bargain collectively and in good faith with the United Teachers of New Orleans, Local 527 (Union) by instituting changes to past practices without giving the Union notice to and/or the opportunity to bargain with the Employer by:
- a) prohibiting employees from sending subjective emails to other employees;
 - b) prohibiting employees from sending blanketed messages to the entire staff on topics that are subjective; and
 - c) prohibiting employees from sending blanket emails to employees without approval from the Employer.
- 5) On about (b) (6), (b) (7)(C) 2020, the Employer, through its agents and/or supervisors, discriminated against employee (b) (6), (b) (7)(C) by discharging (b) (6), (b) (7)(C) in order to discourage union activities or membership and/or other protected concerted activities.

The following allegations have been retained for further processing:

On or about January 3, 2020, the Employer, through (b) (6), (b) (7)(C), interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by telling employees that (b) (6), (b) (7)(C) knew how to get rid of Union people.

On or about February 12, 2020, the Employer, through (b) (6), (b) (7)(C), instructed employees not to make complaints or murmurs about their working conditions.

On or about February 13, 2020, the Employer, through (b) (6), (b) (7)(C), instituted the following overbroad work rule: Prohibiting employees from engaging in conversations that are not professional.

On or about February 13, 2020, the Employer, through (b) (6), (b) (7)(C), threatened employees with unspecified reprisals if they engage in conversations that are not professional.

Very truly yours,

M. Kathleen McKinney / by pal

M. Kathleen McKinney
Regional Director

MKM/pal

cc: rayven.calloway@bcfcharter.com
Rayven Calloway, Head of School
Better Choice Foundation, DBA
Mary D. Coghill Charter School
4617 Mirabeau Avenue
New Orleans, LA 70126

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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March 30, 2020

Michael Robert, Supervisor
Kinder Morgan
4400 River Road
Marerro, LA 70072

Re: Kinder Morgan
Case 15-CA-258503

Dear Mr. Robert:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney NARIEA K. NELSON whose telephone number is (504)321-9478. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'n' in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

KINDER MORGAN

Charged Party

and

USW LOCAL 13-447

Charging Party

Case 15-CA-258503

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on , I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Michael Robert, Supervisor
Kinder Morgan
4400 River Road
Marengo, LA 70072

March 30, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/S/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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March 30, 2020

(b) (6), (b) (7)(C)

USW Local 13-447
1601 4th St.
Westwego, LA 70094

Re: Kinder Morgan
Case 15-CA-258503

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on March 26, 2020 has been docketed as case number 15-CA-258503. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney NARIEA K. NELSON whose telephone number is (504)321-9478. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession.

Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

cc: djury@usw.org
David R. Jury, General Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union,
AFL-CIO-CLC
Five Gateway Center, Room 807
60 Blvd of the Allies
Pittsburgh, PA 15222-1214



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069

May 5, 2020

Michael Robert, Supervisor
Kinder Morgan
4400 River Road
Marengo, LA 70072

Re: Kinder Morgan
Cases 15-CA-258468, 15-CA-258483,
15-CA-258503, 15-CA-258506

Dear Mr. Robert:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

M. Kathleen McKinney / pal

M. Kathleen McKinney
Regional Director

MKM/pal

cc: (b) (6), (b) (7)(C)
USW Local 13-447
1601 4th Street
Westwego, LA 70094
(b) (6), (b) (7)(C)

David R. Jury, General Counsel
United Steel, Paper and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Workers International Union
(USW), AFL-CIO/CLC
60 Boulevard of the Allies, Room 870
Pittsburgh, PA 15222-1214
djury@usw.org



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March 31, 2020

Seung Hun Ko - Sammi LA, Inc.
11542 NE 21st St
Bellevue, WA 98004-3025

Re: Seung Hun Ko - Sammi LA, Inc.
Case 15-CA-258608

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JOSEPH A. HOFFMANN whose telephone number is (504)321-9494. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

March 31, 2020

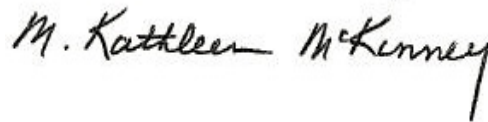
about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Jeremiah Styles, Attorney
Styles Law
1201 Pacific Ave 6th Fl
Tacoma, WA 98402-4393

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SEUNG HUN KO - SAMMI LA, INC.

Charged Party

and

**UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 496**

Charging Party

Case 15-CA-258608

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 31, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Jeremiah Styles, Attorney
Styles Law
1201 Pacific Ave 6th Fl
Tacoma, WA 98402-4393

Seung Hun Ko - Sammi LA, Inc.
11542 NE 21st St
Bellevue, WA 98004-3025

March 31, 2020

Date

PAMLA ROBERTSON, Designated Agent
of NLRB

Name

/s/
Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



Download
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March 31, 2020

Shawn Brayton
United Food and Commercial Workers, Local 496
2901 Ridgelake Dr, Ste 202
Metairie, LA 70002-4958

Re: Seung Hun Ko - Sammi LA, Inc.
Case 15-CA-258608

Dear Ms. Brayton:

The charge that you filed in this case on March 26, 2020 has been docketed as case number 15-CA-258608. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney JOSEPH A. HOFFMANN whose telephone number is (504)321-9494. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

March 31, 2020

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'i' in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069

May 20, 2020

Seung Hun Ko - Sammi LA, Inc.
11542 NE 21st Street
Bellevue, WA 98004-3025

Re: Seung Hun Ko - Sammi LA, Inc.
Case 15-CA-258608

Dear Sir or Madam:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

M. Kathleen McKinney / pal

M. Kathleen McKinney
Regional Director

MKM/pal

cc: Shawn Brayton
United Food and Commercial Workers,
Local 496
2901 Ridgelake Drive, Suite 202
Metairie, LA 70002-4958
sbrayton@ufcw496.org

Jeremiah Styles, Attorney
Styles Law
1201 Pacific Avenue, 6th Floor
Tacoma, WA 98402-4393
jeremiah@styles-law.com



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
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New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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April 14, 2020

Via Mail

East Jefferson General Hospital
4200 HOUMA BLVD
Metairie, LA 70006-2996

Re: East Jefferson General Hospital
Case 15-CA-259098

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney NARIEA K. NELSON whose telephone number is (504)321-9478. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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April 14, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EAST JEFFERSON GENERAL HOSPITAL

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-259098

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 14, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

East Jefferson General Hospital
4200 HOUMA BLVD
Metairie, LA 70006-2996

April 14, 2020

Date

PAMLA ROBERTSON, Designated Agent
of NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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April 14, 2020

Via Email

(b) (6), (b) (7)(C)

Re: East Jefferson General Hospital
Case 15-CA-259098

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 14, 2020 has been docketed as case number 15-CA-259098. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney NARIEA K. NELSON whose telephone number is (504)321-9478. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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April 14, 2020

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069

May 13, 2020

(b) (6), (b) (7)(C)

Re: East Jefferson General Hospital
Case 15-CA-259098

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that East Jefferson General Hospital has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlrb.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlrb.gov. If you require additional assistance with E-Filing, please contact E-File@NLRB.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **May 27, 2020**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a

May 13, 2020

delivery service no later than May 26, 2020. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before May 27, 2020.** The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after May 27, 2020, **even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

M. Kathleen McKinney / pal

M. Kathleen McKinney
Regional Director

MKM/pal

Enclosure

cc: Jennifer Lee, Attorney
Chehardy Shgrman Williams Murry
Stakelum & Hayes LLP
111 North Oak Street, Suite 200
Hammond, LA 70401
jal@chehardy.com

East Jefferson General Hospital
4200 Houma Blvd.
Metairie, LA 70006-2996

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

East Jefferson General Hospital

Case Name(s).

15-CA-259098

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

May 28, 2020

(b) (6), (b) (7)(C)

Re: East Jefferson General Hospital
Case 15-CA-259098

Dear (b) (6), (b) (7)(C):

We have received your appeal. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you by email, if an email address is provided, and all other involved parties as soon as possible of our decision.

Sincerely,

Peter Barr Robb
General Counsel

By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: M. KATHLEEN MCKINNEY
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
600 SOUTH MAESTRI PL – 7TH FL
NEW ORLEANS, LA 70130-3413

EAST JEFFERSON GENERAL
HOSPITAL
4200 HOUMA BLVD
METAIRIE, LA 70006-2996

JENNIFER LEE, ESQ.
CHEHARDY SHGRMAN WILLIAMS
MURRY STAKELUM & HAYES LLP
111 N OAK ST STE 200
HAMMOND, LA 70401

cl



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

July 6, 2020

(b) (6), (b) (7)(C)

Re: East Jefferson General Hospital
Case 15-CA-259098

Dear (b) (6), (b) (7)(C):

Your appeal from the Regional Director's May 13, 2020 refusal to issue complaint has been carefully considered. The appeal is denied.

The charge alleges that the Employer discharged an employee who engaged in protected concerted activities, in violation of Section 8(a)(1) of the National Labor Relations Act. In that regard, for jurisdiction purposes, an employer is a political subdivision exempt from the jurisdiction of the Act when it is 1) created directly by the state, so as to constitute an administrative arm of government, or 2) administered by individuals who are responsible to public officials or to the general electorate. See, e.g., *Hawkins County*, 402 U.S. 600, 604-605 (1971); *Shelby County*, 343 NLRB 346 (2004).

We determined that the evidence disclosed by the investigation indicates the Employer was created by a local Parish Council pursuant to state law for hospital service districts. In addition, the members of the Employer's Board of Trustees are accountable to the elected officials of the Parish who have the authority to remove and replace the trustees for cause. Given these facts, it was concluded that the Employer is a political subdivision excluded from the jurisdiction of the Act.

Accordingly, we deny the appeal and this case is closed.

Sincerely,

Peter Barr Robb
General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: M. KATHLEEN MCKINNEY
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
600 S MAESTRI PL- 7TH FL
NEW ORLEANS, LA 70130-3413

JENNIFER LEE, ATTORNEY
CHEHARDY SHGRMAN WILLIAMS
MURRY STAKELUM & HAYES LLP
111 N OAK ST STE 200
HAMMOND, LA 70401

vrn



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26
80 Monroe Ave Ste 350
Memphis, TN 38103-2400

Agency Website: www.nlrb.gov
Telephone: (901)544-0019
Fax: (901)544-0008



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April 24, 2020

A & S TRANSPORTATION
9600 CHEF MENTEUR HIGHWAY
NEW ORLEANS, LA 70127

Re: A&S Transportation
Case 15-CA-259569

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ERIN WEST whose telephone number is (901)425-7239. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

M. KATHLEEN MCKINNEY
Regional Director

A handwritten signature in black ink, appearing to read 'Christopher Roy', with a large, stylized loop at the end.

By:

CHRISTOPHER ROY
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

A&S TRANSPORTATION

Charged Party

and

TEAMSTERS LOCAL 270

Charging Party

Case 15-CA-259569

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 24, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

A & S Transportation
9600 Chef Menteur Highway
New Orleans, LA 70127

April 24, 2020

Date

Jeri Termon, Designated Agent of NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26
80 Monroe Ave Ste 350
Memphis, TN 38103-2400

Agency Website: www.nlrb.gov
Telephone: (901)544-0019
Fax: (901)544-0008



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April 24, 2020

TEAMSTERS LOCAL 270
701 ELYSIAN FIELDS AVE
NEW ORLEANS, LA 70117-8511

Re: A&S Transportation
Case 15-CA-259569

Dear Sir or Madam:

The charge that you filed in this case on April 23, 2020 has been docketed as case number 15-CA-259569. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ERIN WEST whose telephone number is (901)425-7239. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

M. KATHLEEN MCKINNEY
Regional Director

A handwritten signature in black ink, appearing to read 'Christopher Roy', with a large, stylized loop at the end.

By:

CHRISTOPHER ROY
Officer in Charge

cc: SAMUEL MORRIS, ATTORNEY
GODWIN, MORRIS, LAURZENI AND
BLOOMFIELD, PC
50 N FRONT ST STE 800
RAYMOND JAMES TOWER
MEMPHIS, TN 38103-2181



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26
80 Monroe Ave Ste 350
Memphis, TN 38103-2400

Agency Website: www.nlrb.gov
Telephone: (901)544-0019
Fax: (901)544-0008



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August 11, 2020

Samuel Morris, Attorney
Godwin, Morris, Laurzeni And Bloomfield, PC
50 N. Front St., Ste. 800
Raymond James Tower
Memphis, TN 38103-2181

Re: A&S Transportation
Case 15-CA-259569

Dear Mr. Morris:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney ERIN WEST whose telephone number is (901)425-7239. If the agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

/s/

M. Kathleen McKinney
Regional Director

A handwritten signature in black ink, appearing to read 'Christopher Roy', with a stylized, overlapping loop at the end.

By:

CHRISTOPHER ROY
Officer in Charge

CR/cs

cc: Teamsters Local 270
701 Elysian Fields Ave.
New Orleans, LA 70117-8511



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26
80 Monroe Ave Ste 350
Memphis, TN 38103-2400

Agency Website: www.nlrb.gov
Telephone: (901)544-0019
Fax: (901)544-0008



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August 11, 2020

John J. Toner, Esq.
Seyfarth Shaw LLP
975 F Street, N.W.
Washington, DC 20004-1454

Re: A&S Transportation
Case 15-CA-259569

Dear Mr. Toner:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney ERIN WEST whose telephone number is (901)425-7239. If the agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

/s/

M. Kathleen McKinney
Regional Director

A handwritten signature in black ink, appearing to read 'Christopher Roy', with a large, stylized loop at the end.

By:

CHRISTOPHER ROY
Officer in Charge

CR/cs

Enclosure: Copy of first amended charge

cc: Rick Cozza, Vice President
A & S Transportation
4099 Industrial Parkway
New Orleans, LA 70129

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

A & S TRANSPORTATION

Charged Party

and

TEAMSTERS LOCAL 270

Charging Party

Case 15-CA-259569

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 11, 2020, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Rick Cozza, Vice President
A & S Transportation
4099 Industrial Parkway
New Orleans, LA 70129

John J. Toner, Esq.
Seyfarth Shaw LLP
975 F Street, N.W.
Washington, DC 20004-1454

August 11, 2020

Date

Cristina Sanchez, Designated Agent of
NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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April 29, 2020

tim.casey@capstonelogistics.com

Tim Casey, Vice-President
Capstone Logistics LLC
30 Technology Pkwy South, Ste. 200
Peachtree Corners, GA 30092

Chris Griffins, Executive Operations Manager
Associated Wholesale Grocers
63331 Old Military Road
Pearl River, LA 70452

Re: Capstone Logistics LLC and Associated
Wholesale Grocers, as Joint Employers
Case 15-CA-259712

Dear Mr. Casey and Mr. Griffins:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JORDAN A. RABY whose telephone number is (504)321-9492. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as

soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**CAPSTONE LOGISTICS LLC AND
ASSOCIATED WHOLESALE GROCERS, AS
JOINT EMPLOYERS**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-259712

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 29, 2020 , I served the above-entitled document(s) by email and/or post-paid regular mail upon the following persons, addressed to them at the following addresses:

Tim Casey, Vice-President
Capstone Logistics LLC
30 Technology Pkwy South, Ste. 200
Peachtree Corners, GA 30092

Chris Griffins, Executive Operations Manager
Associated Wholesale Grocers
63331 Old Military Road
Pearl River, LA 70452

April 29, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/S/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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April 29, 2020

cdenson@caseydenon.law.com

Casey Denson, Attorney
Casey Denson Law LLC
3436 Magazine Street, Unit 7005
New Orleans, LA 70115

Re: Capstone Logistics LLC and Associated
Wholesale Grocers, as Joint Employers
Case 15-CA-259712

Dear Ms. Denson:

The charge that you filed in this case on April 27, 2020 has been docketed as case number 15-CA-259712. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JORDAN A. Raby whose telephone number is (504)321-9492. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present

your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

April 29, 2020

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN MCKINNEY
Regional Director

cc:

(b) (6), (b) (7)(C)
[Redacted]
[Redacted]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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April 30, 2020

michael.robert@kindermorgan.com

Michael Robert, Terminal manager
Kinder Morgan Delta Terminals, LLC
4400 River Road
Marrero, LA 70072

Re: Kinder Morgan Delta Terminals, LLC
Case 15-CA-259796

Dear Mr. Robert:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney NARIEA K. NELSON whose telephone number is (504)321-9478. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlr.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'n' in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

KINDER MORGAN DELTA TERMINALS, LLC

Charged Party

and

UNITED STEELWORKERS UNION LOCAL 13-447

Charging Party

Case 15-CA-259796

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 30, 2020 , I served the above-entitled document(s) by email and/or post-paid regular mail upon the following persons, addressed to them at the following addresses:

Michael Robert, Terminal manager
Kinder Morgan Delta Terminals, LLC
4400 River Road
Marrero, LA 70072

April 30, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/S/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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April 30, 2020

(b) (6), (b) (7)(C)

United Steelworkers Union Local 13-447
1601 Fourth St.
Westwego, LA 70094

Re: Kinder Morgan Delta Terminals, LLC
Case 15-CA-259796

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 30, 2020 has been docketed as case number 15-CA-259796. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney NARIEA K. NELSON whose telephone number is (504)321-9478. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

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Fax: (504)589-4069



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June 8, 2020

dgfreycrawfish@aol.com

Dana Frey
D&G Frey Crawfish, L.L.C.
6676 Harmon Rd.
Iota, LA 70543

Re: D&G Frey Crawfish, L.L.C.
Case 15-CA-261337

Dear Ms. Frey:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ANDREW T. MIRAGLIOTTA whose telephone number is (504)321-9578. If this Board agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

D&G FREY CRAWFISH, L.L.C.

Charged Party

and

**ISMAEL HERNANDEZ MARTINEZ ET AL. -
ALL SIMILARLY SITUATED EMPLOYEES**

Charging Party

Case 15-CA-261337

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 8, 2020 , I served the above-entitled document(s) by electronic mail upon the following persons, addressed to them at the following addresses:

dgfreycrawfish@aol.com

Dana Frey

D&G Frey Crawfish, L.L.C.

6676 Harmon Rd.

Iota, LA 70543

June 8, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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June 8, 2020

mpersoon@dsgchicago.com

Michael P. Persoon, ESQ.
Despres, Schwartz, and Geoghegan, Ltd.
77 W Washington St Ste 711
Chicago, IL 60602-3271

Re: D&G Frey Crawfish, L.L.C.
Case 15-CA-261337

Dear Mr. Persoon:

The charge that you filed in this case on June 08, 2020 has been docketed as case number 15-CA-261337. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ANDREW T. MIRAGLIOTTA whose telephone number is (504)321-9578. If this Board agent is not available, you may contact Supervisory Field Attorney KEVIN MCCLUE whose telephone number is (504)321-9576.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN MCKINNEY
Regional Director

cc: (b) (6), (b) (7)(C) et al.
- all similarly situated employees
c/o (b) (6), (b) (7)(C)
2511 N. Miro St.
New Orleans, LA 70117



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26
80 Monroe Ave Ste 350
Memphis, TN 38103-2400

Agency Website: www.nlrb.gov
Telephone: (901)544-0019
Fax: (901)544-0008



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June 11, 2020

John Lamm
Acadia Processors, LLC
919 West 2nd Street
Crowley, LA 70526

Re: Acadia Processors, LLC
Case 15-CA-261522

Dear Mr. Lamm:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney David Rose whose telephone number is (901)425-7250. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

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If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Christopher Roy', with a large, stylized loop at the end.

By:

CHRISTOPHER ROY
Officer in Charge

CR/cs

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ACADIA PROCESSORS, LLC

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-261522

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 11, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

JOHN LAMM
ACADIA PROCESSORS, LLC
919 WEST 2ND STREET
CROWLEY, LA 70526

June 11, 2020

Date

Cristina Sanchez, Designated Agent of
NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 26
80 Monroe Ave Ste 350
Memphis, TN 38103-2400

Agency Website: www.nlrb.gov
Telephone: (901)544-0019
Fax: (901)544-0008



Download
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June 11, 2020

Julie Pittman, Legal Fellow
Centro de los Derechos del Migrante
10 E. North Ave., Ste #9
Baltimore, MD 21202

Re: Acadia Processors, LLC
Case 15-CA-261522

Dear Ms. Pittman:

The charge that you filed in this case on June 11, 2020 has been docketed as case number 15-CA-261522. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney David Rose whose telephone number is (901)425-7250. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Christopher Roy', with a large, stylized loop at the end.

By:

CHRISTOPHER ROY
Officer in Charge

CR/cs

cc:

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlr.gov
Telephone: (813)228-2641
Fax: (813)228-2874



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June 12, 2020

Via Email

Laurie Thomas, Human Resource Generalist
Borden Dairy Company of Alabama, LLC
5014 US Highway 84 East
Cowarts, AL 36321

Re: Borden Dairy Company of Alabama, LLC
Case 15-CA-261539

Dear Ms. Thomas:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 15 but is being handled by Region 12 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If this Board agent is not available, you may contact Assistant to Regional Director AMY FERRELL whose telephone number is (813)228-2661.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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June 12, 2020

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

DAVID COHEN
Regional Director

DC/par

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**BORDEN DAIRY COMPANY OF ALABAMA,
LLC**

Charged Party

and

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL UNION NO. 991**

Charging Party

Case 15-CA-261539

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 12, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Laurie Thomas, Human Resource Generalist
Borden Dairy Company of Alabama, LLC
5014 US Highway 84 East
Cowarts, AL 36321

June 12, 2020

Date

PAMLA ROBERTSON, Designated Agent
of NLRB

Name

/s/
Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlr.gov
Telephone: (813)228-2641
Fax: (813)228-2874



Download
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June 12, 2020

Via Email

(b) (6), (b) (7)(C)

International Brotherhood of Teamsters
Local Union No. 991
112 S Broad Street
Mobile, AL 36602

Re: Borden Dairy Company of Alabama, LLC
Case 15-CA-261539

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on June 11, 2020 has been docketed as case number 15-CA-261539. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 15 but is being handled by Region 12 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If this Board agent is not available, you may contact Assistant to Regional Director AMY FERRELL whose telephone number is (813)228-2661.

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June 12, 2020

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is written in a cursive, flowing style.

DAVID COHEN
Regional Director

DC/par

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd, Ste 530
Tampa, FL 33602

Agency Website: www.nlr.gov
Telephone: (813)228-2641
Fax: (813)228-2874

July 27, 2020

Laurie Thomas, Human Resource Generalist
Borden Dairy Company of Alabama, LLC
5014 US Highway 84 East
Cowarts, AL 36321

Re: Borden Dairy Company of Alabama, LLC
Case 15-CA-261539

Dear Ms. Thomas:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ David Cohen

David Cohen
Regional Director

cc: (b) (6), (b) (7)(C)
International Brotherhood of Teamsters
Local Union No. 991
112 S Broad Street
Mobile, AL 36602



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



Download
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June 22, 2020

Via Email

Juanita Walls, Chief Manager
Security Walls LLC
130 N. Martinwood Rd
Knoxville, TN 37926-5118

Re: Security Walls LLC
Case 15-CA-261980

Dear Mrs. Walls:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney BEAUFORD D. PINES whose telephone number is (504)321-9579. If this Board agent is not available, you may contact Supervisory Compliance Officer KEVIN MCCLUE whose telephone number is (504)321-9576.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SECURITY WALLS LLC

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-261980

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 22, 2020, I served the above-entitled document(s) by electronic mail upon the following persons, addressed to them at the following addresses:

Juanita Walls, Chief Manager
Security Walls LLC
130 N. Martinwood Rd
Knoxville, TN 37926-5118

June 22, 2020

Date

PAMLA ROBERTSON, Designated Agent
of NLRB

Name

/s/
Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



Download
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Mobile App

June 22, 2020

Via Email

(b) (6), (b) (7)(C)

Re: Security Walls LLC
Case 15-CA-261980

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on June 22, 2020 has been docketed as case number 15-CA-261980. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney BEAUFORD D. PINES whose telephone number is (504)321-9579. If this Board agent is not available, you may contact Supervisory Compliance Officer KEVIN MCCLUE whose telephone number is (504)321-9576.

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Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'i' in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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July 6, 2020

Via Email

Sherry Istre, Human Resources Manager
Service Administrators, LLC / Dunham Price Group, LLC
3101 Lake Street
Lake Charles, LA 70601

Re: Service Administrators, LLC / Dunham
Price Group, LLC
Case 15-CA-262564

Dear Ms. Istre:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Regional Attorney JOHN WES PLYMPTON whose telephone number is (813) 228-2665. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

July 6, 2020

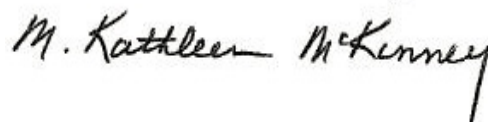
If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**SERVICE ADMINISTRATORS, LLC / DUNHAM
PRICE GROUP, LLC**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-262564

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 6, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Sherry Istre, Human Resources Manager
Service Administrators, LLC / Dunham Price
Group, LLC
3101 Lake Street
Lake Charles, LA 70601

July 6, 2020

Date

PAMLA ROBERTSON, Designated Agent
of NLRB

Name

/s/
Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



Download
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July 6, 2020

Via Email

(b) (6), (b) (7)(C)

Re: Service Administrators, LLC / Dunham
Price Group, LLC
Case 15-CA-262564

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 02, 2020 has been docketed as case number 15-CA-262564. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Regional Attorney JOHN WES PLYMPTON whose telephone number is (813) 228-2665. If this Board agent is not available, you may contact Officer in Charge CHRISTOPHER ROY whose telephone number is (901)425-7236.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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July 6, 2020

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in dark ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'n' in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/par

Enclosure: Copy of Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069

August 12, 2020

sistre@dunhamprice.com

Sherry Istre, Human Resources Manager
Service Administrators, LLC /
Dunham Price Group, LLC
3101 Lake Street
Lake Charles, LA 70601

Re: Service Administrators, LLC /
Dunham Price Group, LLC
Case 15-CA-262564

Dear Ms. Istre:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

M. Kathleen McKinney / by pal

M. Kathleen McKinney
Regional Director

MKM/pal

cc: (b) (6), (b) (7)(C)

[Redacted]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

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July 28, 2020

inspire@crescentcityschools.org

Kate Mehok, CEO
Crescent City Schools
3811 N. Galvez Street
New Orleans, LA 70117

Re: Crescent City Schools
Case 15-CA-263630

Dear Mrs. Mehok:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CRESCENT CITY SCHOOLS

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-263630

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 28, 2020 , I served the above-entitled document(s) by electronic mail and/or post-paid regular mail upon the following persons, addressed to them at the following addresses:

inspire@crecentcityschools.org

Kate Mehok, CEO

Crescent City Schools

3811 N. Galvez Street

New Orleans, LA 70117

July 28, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/S/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



Download
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July 28, 2020

(b) (6), (b) (7)(C)

Re: Crescent City Schools
Case 15-CA-263630

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 27, 2020 has been docketed as case number 15-CA-263630. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ALEXANDRA K. ROATH SCHULE whose telephone number is (504)321-9471. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069

August 4, 2020

inspire@crescentcityschools.org

Kate Mehok, CEO
Crescent City Schools
3811 N. Galvez Street
New Orleans, LA 70117

Re: Crescent City Schools
Case 15-CA-263630

Dear Mrs. Mehok:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

M. Kathleen McKinney / by pal

M. Kathleen McKinney
Regional Director

MKM/pal

cc: (b) (6), (b) (7)(C)

[REDACTED]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785



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July 29, 2020

Our Lady of the Lake Regional Medical Center
5555 Hennessy Blvd
Baton Rouge, LA 70808

Re: Our Lady of the Lake Regional
Medical Center
Case 15-CA-263641

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 15 but is being handled by Region 18 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Attorney JOSEPH BORNONG whose telephone number is (952)703-2895. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952)703-2894.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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July 29, 2020

have access to the means for filing electronically or why filing electronically would impose an undue burden.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**OUR LADY OF THE LAKE REGIONAL
MEDICAL CENTER**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-263641

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 29, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Our Lady of the Lake Regional Medical
Center
5555 Hennessy Blvd
Baton Rouge, LA 70808

July 29, 2020

Date

Carrie J. Klusman, Designated Agent of
NLRB

Name

/s/ Carrie J. Klusman

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlr.gov
Telephone: (612)348-1757
Fax: (612)348-1785



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July 29, 2020

(b) (6), (b) (7)(C)

Re: Our Lady of the Lake Regional
Medical Center
Case 15-CA-263641

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 24, 2020 has been docketed as case number 15-CA-263641. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 15 but is being handled by Region 18 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Attorney JOSEPH BORNONG whose telephone number is (952)703-2895. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952)703-2894.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Our Lady of the Lake Regional Medical
Center
Case 15-CA-263641

- 3 - July 29, 2020

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Hadsall".

JENNIFER A. HADSALL
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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July 29, 2020

micah.s.heilbrun@p66.com

Micah S. Heilbrun
Senior Counsel Labor & Employment
Phillips 66
HQ-N-1390
2331 City West Boulevard
Houston, TX 77042

Re: Phillips 66
Case 15-CA-263723

Dear Mr. Heilbrun:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney AMIEL J. PROVOSTY whose telephone number is (504)321-9470. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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July 29, 2020

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In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PHILLIPS 66

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-263723

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 29, 2020, I served the above-entitled document(s) by electronic mail and/or post-paid regular mail upon the following persons, addressed to them at the following addresses:

Micah S. Heilbrun, Senior Counsel Labor &
Employment
Phillips 66
HQ-N-1390
2331 CityWest Boulevard
Houston, TX 77042

July 29, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/S/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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July 29, 2020

jdaniel@caseydensonlaw.com

Justine Daniel, ESQ.
Attorney of Record
Casey Denson Law, LLC
3436 Magazine Street, Unit 7005
New Orleans, LA 70112

Re: Phillips 66
Case 15-CA-263723

Dear Justine Daniel:

The charge that you filed in this case on July 27, 2020 has been docketed as case number 15-CA-263723. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney AMIEL J. PROVOSTY whose telephone number is (504)321-9470. If this Board agent is not available, you may contact Deputy Regional Attorney ANDREA J. WILKES whose telephone number is (504)321-9477.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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July 29, 2020

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

cc: jdaniel@caseydenonlaw.com
(b) (6), (b) (7)(C)
Through (b) (6) Attorney of Record:
Justine Daniel, Esq.
Casey Denson Law, LLC
3436 Magazine Street, Unit 7005
New Orleans, LA 70112



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlr.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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August 25, 2020

asantini@catcarecenter.com

Abigail Santini, Practice Manager
Cat Care Center
12018 Perkins Road, Suite A
Baton Rouge, LA 70810

Re: Cat Care Center
Case 15-CA-265096

Dear Ms. Santini:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JORDAN A. RABY whose telephone number is (504)321-9492. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

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Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive, flowing style.

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CAT CARE CENTER

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-265096

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 25, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

asantini@catcarecenter.com

Abigail Santini, Practice Manager

Cat Care Center

12018 Perkins Road

Suite A

Baton Rouge, LA 70810

August 25, 2020

Date

Harvey P Jefferson
Designated Agent of NLRB

Name

/S/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069



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August 25, 2020

(b) (6), (b) (7)(C)

Re: Cat Care Center
Case 15-CA-265096

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 21, 2020 has been docketed as case number 15-CA-265096. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JORDAN A. RABY whose telephone number is (504)321-9492. If this Board agent is not available, you may contact Resident Officer STACIA CAMPBELL whose telephone number is (501)508-7091.

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fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN McKINNEY
Regional Director

MKM/hpj



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
310 West Wisconsin Avenue, Suite 450W
Milwaukee, WI 53203-2246

Agency Website: www.nlrb.gov
Telephone: (414)297-3861
Fax: (414)297-3880



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August 26, 2020

Erika J. Moss, Director of Women's Services
The Baton Rouge General
8585 Picardy Ave
Baton Rouge, LA 70809

Re: The Baton Rouge General
Case 15-CA-265137

Dear Ms. Moss:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 18 but is being handled by Subregion 30 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Examiner JESSICA M. GIBSON whose telephone number is (414)930-7197. If this Board agent is not available, you may contact Supervisory Attorney ANITA C. O'NEIL whose telephone number is (414)930-7204.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

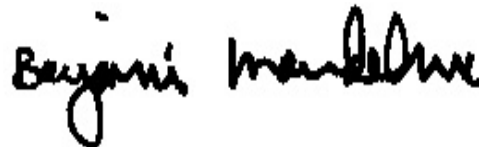
In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman".

By:

BENJAMIN MANDELMAN
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE BATON ROUGE GENERAL

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CA-265137

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 26, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Erika J. Moss, Director of Women's Services
The Baton Rouge General
8585 Picardy Ave
Baton Rouge, LA 70809

August 26, 2020

Date

Carrie J. Klusman, Designated Agent of
NLRB

Name

/s/ Carrie J. Klusman

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 30
310 West Wisconsin Avenue, Suite 450W
Milwaukee, WI 53203-2246

Agency Website: www.nlrb.gov
Telephone: (414)297-3861
Fax: (414)297-3880



Download
NLRB
Mobile App

August 26, 2020

(b) (6), (b) (7)(C)

Re: The Baton Rouge General
Case 15-CA-265137

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 25, 2020 has been docketed as case number 15-CA-265137. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 18 but is being handled by Subregion 30 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Examiner JESSICA M. GIBSON whose telephone number is (414)930-7197. If this Board agent is not available, you may contact Supervisory Attorney ANITA C. O'NEIL whose telephone number is (414)930-7204.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

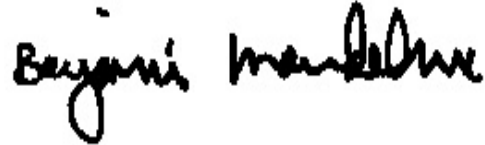
Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

August 26, 2020

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JENNIFER A. HADSALL
Regional Director

A handwritten signature in black ink, appearing to read "Benjamin Mandelman". The signature is written in a cursive, somewhat stylized script.

By:

BENJAMIN MANDELMAN
Officer in Charge



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785



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August 12, 2020

(b) (6), (b) (7)(C)

United Steelworkers Union, Local 13-447
1601 Fort Street
Westwego, LA 70094

Re: United Steelworkers Union, Local 13-447
(Phillips 66)
Case 15-CB-264421

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 15 but is being handled by Region 18 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Examiner CHARLES A. CHERMAK whose telephone number is (952) 703-2877. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952) 703-2894.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

August 12, 2020

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Correspondence: All documents submitted to the Region regarding your case **MUST** be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and

August 12, 2020

withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL
Regional Director

Enclosure: Copy of Charge

cc: David R. Jury, General Counsel
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union (USW),
AFL-CIO/CLC
Legal Department
60 Boulevard of the Allies
Five Gateway Center, Room 807
Pittsburgh, PA 15222-1214

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**UNITED STEELWORKERS UNION,
LOCAL 13-447 (PHILLIPS 66)**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 15-CB-264421

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 12, 2020, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

United Steelworkers Union, Local 13-447
1601 Fort Street
Westwego, LA 70094

David R. Jury, General Counsel
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union
(USW), AFL-CIO/CLC
Legal Department
60 Boulevard of the Allies
Five Gateway Center, Room 807
Pittsburgh, PA 15222-1214

August 12, 2020

Date

Carol Collins, Designated Agent of NLRB

Name

/s/ Carol Collins

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785



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August 12, 2020

Ann Jansen, Human Resources Manager
Phillips 66
15551 LA 23N
Belle Chasse, LA 70037

Re: United Steelworkers Union, Local 13-447
(Phillips 66)
Case 15-CB-264421

Dear Ms. Jansen:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 15 but is being handled by Region 18 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Examiner CHARLES A. CHERMAK whose telephone number is (952) 703-2877. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952) 703-2894.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

August 12, 2020

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

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August 12, 2020

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 18
Federal Office Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Agency Website: www.nlrb.gov
Telephone: (612)348-1757
Fax: (612)348-1785



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August 12, 2020

(b) (6), (b) (7)(C)

Re: United Steelworkers Union, Local 13-447
(Phillips 66)
Case 15-CB-264421

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 10, 2020 has been docketed as case number 15-CB-264421. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: The case was filed in Region 15 but is being handled by Region 18 as part of the Agency's intra-Regional transfer program. This charge will be investigated by Field Examiner CHARLES A. CHERMAK whose telephone number is (952) 703-2877. If this Board agent is not available, you may contact Supervisory Attorney ASHOK C. BOKDE whose telephone number is (952) 703-2894.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

August 12, 2020

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jennifer Hadsall", written in a cursive style.

JENNIFER A. HADSALL
Regional Director

Enclosure: Copy of Charge